IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCOTT SWIX ET AL.	)
		) Group Art Unit:
Serial No.:	10/017,428	) 2623
		) Examiner:
Filed:	December 14, 2001	) Shepard, Justin E.
		)
For:	DIGITAL VIDEO BROADCAST DEVICE DECODER	)

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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed February 25, 2008, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a pre-Appeal conference in view of the following remarks.

REMARKS

In response to the Office Action dated February 25, 2008, Applicants respectfully request reconsideration of the outstanding final rejection in a Pre-Appeal Brief Conference. Applicants respectfully submit that the claims as presented are in condition for allowance.

Prior to discussing the rejections in detail, a summary of exemplary embodiments is provided. Figure 7 illustrates exemplary embodiments of claim 1. A media server 120 tunes to a transport layer and transmits the entire transport layer over a system bus 620. A broadband input/output module 735 receives the transport layer from the system bus and sends the transport layer to a network bus 615. A network input/output module 701 receives the transport layer from the network bus. A decryption module 702 receives the transport layer from the network input/output module and decrypts the transport layer. A demultiplexer 703 receives the decrypted transport layer from the decryption module and demultiplexes the decrypted transport layer. A decoder 704 decodes the demultiplexed and decrypted transport layer. A media bus 610 provides a decoded transport layer from the decoder to a display device.

Claims 1-4 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton. This rejection is traversed for the following reasons.

The claimed system bus, network bus and media bus

The Examiner states that Goodman teaches all these elements, whereas Applicants disagree with this interpretation. In applying Goodman, the Examiner cites to access subnetwork 200 and tuner 901/903 (inside NIM 201) as corresponding to the claimed media server (see Figure 2). Given this interpretation, the link between the NIM 201 and the DET 202 must correspond to the claimed system bus as the claimed media server transmits the transport layer over the system bus. The only remaining downstream bus in Goodman is the video port on the DET 202, which the Examiner considers equivalent to the claimed media bus.

The Examiner has advanced arguments that the connection between NIM 201 and the DET 202 cannot be the claimed system bus, but rather is the network bus. This is inconsistent with the Examiner's characterization of the access subnetwork 200 (which includes tuner 901/903 and NIM 201) as corresponding to the claimed media server. No matter how the components of Goodman are construed, the fact remains that from the access

subnetwork 200 to a display at the video port of the DET 202, there are only two connections that may be construed as buses. These two connections cannot correspond to the three buses recited in claim 1. Goodman simply lacks the same number of connections to correspond to claim 1.

The decryption module

Claim 1 recites "a decryption module that receives the transport layer from the network input/output module and that decrypts the transport layer." In applying Goodman, the Examiner construes the DET 202 as including the network input/output module as element 827. Based on this interpretation, Goodman would need a decryption module downstream of element 827. The Examiner cites to Hylton for disclosing a decryption module and proposes adding a decryption module to the DET 202. Applicants submit there is no logical reason to add the decryption module of Hylton to the DET 202 of Goodman. Goodman already has a decryption module in the NIM 201 as shown as element 907 in Figure 9. It is unclear why a decryption module would be needed in the DET 202 when it is already present in the NIM 201. The only rationale provided by the Examiner in the rejection is that the NIM and DET are separate devices. The fact that the NIM and DET are separate devices does not make adding a decryption module to the DET obvious. The signal sent to the DET is already decrypted in the NIM, rendering a decryption module in the DET useless.

For at least the above reasons, claim 1 is patentable over Goodman in view of Hylton. Claims 2-4 and 11 variously depend from claim 1 and are patentable over Goodman in view of Hylton for at least the reasons advanced with reference to claim 1.

Claims 12, 14 and 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton and Florin. This rejection is traversed for the following reasons.

Florin was relied upon for allegedly disclosing a system having a tuner and broadband input/output modules connected by a system bus. Florin, however, fails to cure the deficiencies of Goodman in view of Hylton discussed above with reference to claim 1. Claim 12 recites features similar to those discussed above with reference to claim 1 and is patentable over Goodman in view of Hylton and Florin for at least the reasons advanced with reference to claim 1. Claims 14 and 15 depend from claim 12 and are patentable over

Goodman in view of Hylton and Florin for at least the reasons advanced with reference to claim 12.

Claims 5-9 were rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton and Rajakarunanajake. This rejection is traversed for the following reasons.

Rajakarunanajake was relied upon for allegedly disclosing features of a secured network conditional access system, but fails to cure the deficiencies of Goodman in view of Hylton discussed above with reference to claim 1. Claim 5-9 depend from claim 1 and are patentable over Goodman in view of Hylton and Rajakarunanajake for at least the reasons advanced with reference to claim 1.

Claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton and Florin and Rajakarunanajake. This rejection is traversed for the following reasons.

Rajakarunanajake was relied upon for allegedly disclosing an Ethernet transport layer, but fails to cure the deficiencies of Goodman in view of Hylton and Florin discussed above with reference to claim 12. Claim 16 depends from claim 1 and is patentable over Goodman in view of Hylton and Florin and Rajakarunanajake for at least the reasons advanced with reference to claim 12.

Claim 10 was rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton and D'Luna. This rejection is traversed for the following reasons.

D'Luna was relied upon for allegedly disclosing incorporating decrypting, demultiplexing and decoding functions on a single chip, but fails to cure the deficiencies of Goodman in view of Hylton discussed above with reference to claim 1. Claim 10 depends from claim 1 and is patentable over Goodman in view of Hylton and D'Luna for at least the reasons advanced with reference to claim 1.

Claim 13 was rejected under 35 U.S.C. § 103 as being unpatentable over Goodman in view of Hylton and Florin and Lorenz. This rejection is traversed for the following reasons.

Lorenz was relied upon for allegedly disclosing a decoder as part of a thin client set top box, but fails to cure the deficiencies of Goodman in view of Hylton and Florin discussed above with reference to claim 12. Claim 13 depends from claim 12 and is patentable over

Goodman in view of Hylton and Florin and Lorenz for at least the reasons advanced with reference to claim 12.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By:_____

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